



January 27, 2021

VIA ELECTRONIC MAIL

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Re: *In re Apple iPhone Antitrust Litigation*, Case No. 4:11-cv-06714-YGR; *Cameron v. Apple Inc.*, Case No. 4:19-cv-03074-YGR; *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-05640-YGR (N.D. Cal.)

Dear Counsel:

We write on behalf of Apple Inc. (“Apple”) in response to Developers’ 30(b)(6) notice intent letter dated December 24, 2020, Epic’s 30(b)(6) notice intent letter dated January 11, 2021, and Consumer Plaintiffs’ 30(b)(6) notice intent letter dated January 12, 2021. This letter serves to inform you that we intend to designate the following Apple witnesses for the following topics¹:

- We intend to designate **Mr. Trystan Kosmyinka** regarding: (1) the processes Apple uses to review iOS apps; (2) automated or mechanized steps utilized by Apple to review iOS apps; (3) the time devoted to review of iOS apps, and any backlog of unreviewed iOS apps; and (4) Apple’s enforcement of Apple’s guidelines related to

¹ By naming designees to testify on these topics, Apple does not agree to the accuracy of any facts suggested or implied by the topics as stated by Plaintiffs.

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the review of iOS apps in response to Developer Topic No. 40, Epic Topic No. 8, and Consumer Topic Nos. 1, 2, 3 and 5.

- We intend to designate **Mr. Mark Rollins** to provide testimony regarding: (1) transactional data Apple has produced and maintains in the ordinary course of business; (2) the manner in which Apple calculates the number of customers that use Apple's products and services; (3) the financial documents referenced in Epic Topic No. 1; and (4) the existence of any formal assessments of the revenue, costs, expenses, and/or investment related to the Apple App Store, IAP, or the Mac App Store in response to Developer Topic Nos. 14, 15, 24a, 24b, 24c, and 25, Epic Topic Nos. 1, 2 and 6, and Consumer Topic Nos. 1 and 2.
- We intend to designate **Mr. Eric Gray** to provide testimony regarding: (1) technical processes Apple employs to prevent developers from breaching their commitment to use only IAP for in-app purchases of digital content; (2) the identities of third-parties who provide payment processing related services to Apple and the fees paid to those third-parties; (3) Apple's policies and practices related to refunds, discounts, and customer service provided to customers who use IAP; (4) the \$0.99 pricing tiers for apps sold on the Apple App Store; (5) the process through which proceeds from app sales and in-app purchases of digital content are distributed to developers; and (6) payment fraud by United States customers who use IAP in response to Developer Topic Nos. 5, 17b, 22, 31 and 37, Epic Topic Nos. 1, 4, and 5, and Consumer Topic No. 1.
- We intend to designate **Mr. Phillip Schiller** to provide testimony regarding: (1) the reasons Apple does not facilitate downloading native iOS apps from outside the Apple App Store and the consequences to users who choose to download native apps outside the Apple App Store; (2) the reasons Apple requires use of IAP for purchases of digital content on the Apple App Store; (3) Apple's decisions regarding the commission rates and fees it charges developers; (4) the services Apple provides to iOS app developers; (5) sources of revenue, other than commissions, that Apple receives from iOS app developers; (6) the rationale for the Apple Developer Enterprise Program and the App Store Small Business Program; and (7) Apple's decision to modify certain App Store Review Guidelines, announced on September 20, 2020 in response to Developer Topic Nos. 2, 3, 5, 17c, 17d, 17e, 17f, 17g, 17h, 21, and 28, Epic Topic Nos. 1, 9, 10, and 11, and Consumer Topic Nos. 1, 2, and 4.

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We will send an additional letter with more information about Apple's responses and objections to Plaintiffs' 30(b)(6) notice intent letters.

In making these designations, Apple in no way waives its right to challenge any and all topics identified by Plaintiffs and reserves all rights to object to Rule 30(b)(6) topics that any plaintiff has proposed or will propose in the future.

Apple requests that Plaintiffs send Apple their witness designations to Apple's Rule 30(b)(6) topics by noon Pacific Time on January 28, 2020.

Sincerely,

/s/ Jay P. Srinivasan
Jay P. Srinivasan

JPS/sc

cc:

A large black rectangular redaction box covers the majority of the 'cc:' line and the subsequent lines of text, obscuring the names of the recipients.